

AUG 24 2006

PATENT APPLICATION  
DOCKET NO. 5078-0001

**REMARKS/ARGUMENTS**

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1-20. Claims 1, 5, 13, 14, and 18 have been amended.

On August 1, 2006, the Applicant held a telephonic interview with the Examiner. Discussions centered on the definition of an aviation control stick and whether the cited references teach or suggest a control stick providing the capability of grasping the control stick and simultaneously actuating control switches with the same hand.

In paragraph 1 of the Office Action, the Examiner traversed the Applicant's arguments. The Examiner stated that Welch, Samulewicz and Totsuka all disclose a cylindrical control stick shaped as an aviation stick which allows the grasping of the control stick and simultaneous manipulation of the control switches. The Examiner stated that the claims do not state that the digits of the same hand manipulate the control switches. In response, the Applicant has amended claims 1, 13, and 18 to claim that manipulation of the control switches is by the same hand that grasps the control stick. The cited references do not disclose a control stick in the shape of an aviation stick. Three patent references, U.S. Patent No. 4811921 to Whitaker et al. (Whitaker), U.S. Patent No. 4717098 to Walker et al. (Walker), and U.S. Patent No. 5,769,363 to Griswold et al. (Griswold), clearly show that aviation control sticks do not include planar surface on top of the cylindrical portion of the stick. An aviation control stick provides manipulation by one hand of the control stick while simultaneously grasping the stick. No control switches are placed on the top of the stick nor is a flat surface located on top of the control stick. The pilot does not use his other hand because switches

are also located on the opposite hand which holds the throttle. During combat maneuvering, the pilot cannot take his hands off of the throttle to manipulate the control of the control stick. This same aviation control stick design is utilized in providing a remote control for a television. As can be seen by Whitaker, Walker and Griswold, an aviation stick is significantly different than the remote controls disclosed in the cited references.

In paragraph 2 of the Office Action, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate "grip," "control stick" and "control stick." The Applicant has amended paragraphs 25 and 26 to provide consistent reference numbers and terms. In addition, the Examiner objected to the drawings under 37 CFR 1.83. The Examiner stated that the electrical circuit and electrical circuit comprising a memory is not shown. The Applicant has amended FIG. 2 to show these claimed elements. In addition, the Examiner stated that the "plurality of control switches including a plurality of VCR and DVD control switches mounted on the control stick positioned to be manipulated by the digits of the hand while holding the control stick in the palm of the hand are not shown. The Applicant respectfully disagrees that these elements are not shown. In paragraph 28, the specification states: "The control stick switch functions may be reprogrammed by the operator to frequently used VCR control functions in a similar manner to the reprogramming of the television control stick remote." Thus, the switches 30, 32, 24 and 34 may be reprogrammed to provide the frequently used VCR control functions and is shown in the drawings..

In paragraph 4 of the Office Action the Examiner objected to claim 5. The Applicant has amended claim 5 to corrected the informality.

In paragraph 5, the Examiner objected to claim 14. The Applicant has amended claim 14 to overcome the objection.

In paragraph 10, the Examiner rejected claims 1, 2, 7 and 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,701,123 to Samulewicz (Samulewicz). The Examiner stated that Samulewicz teaches an ergonomic remote control device for the remote control set having all the elements of the Applicant's claimed invention.

In response, the Applicant has amended independent claims 1 and 13 to better differentiate Applicant's invention from Samulewicz. Samulewicz discloses an elongated main body with a flat top surface having control switches. On the other hand, the Applicant's invention is an aviation control stick which allows the user to grasp the control stick while simultaneously manipulating the control switches with the same hand. Samulewicz does not disclose such a device. Samulewicz requires the user to remove the hand from the elongated main body and push the buttons located on the top of the remote control.

Claims 2 and 7 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 1, 2, 7, and 13 is respectfully requested.

In paragraph 11, the Examiner rejected claims 9, 10, and 14 under 35 U.S.C. 103(a) as being unpatentable over Samulewicz. The Examiner stated that Samulewicz does not disclose a power supply having a battery or a first keypad mounted in a recess on a first lateral side of the base. The Examiner further stated that it is an obvious design choice.

In response, the Applicant has amended independent claims 1 and 13 to better differentiate Applicant's invention from Samulewicz. As discussed above, Samulewicz does not teach or suggest an aviation control stick style controller. In addition, Samulewicz requires the user to remove the hand from the elongated main body and push the buttons located on the top of the remote control.

Claims 9 and 10 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Claim 14 depends from amended claim 13 and recites additional limitations in combination with the novel elements of claim 13. Therefore, the withdrawal of the rejection and the allowance of claims 9, 10, and 14 is respectfully requested.

In paragraph 12 the Examiner rejected claims 3-6, 11-12 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Samulewicz in view of U.S. Patent No. 5,457,448 to Totsuka et al. (Totsuka). The Examiner stated that Samulewicz does not disclose a thumb switch having a four or five position switch. The Examiner also stated that Totsuka teaches a remote control having the thumb switch.

In response, the Applicant respectfully disagrees. Totsuka discloses a remote control having a weighted bottom. Totsuka does not disclose a cylindrically shaped control stick in the shape of an aviation control stick. Totsuka is merely a conventionally shaped remote control (flat and rectangular) which does not easily conform to the hand of the user. The Applicant's invention is a control stick which easily fits in the hand of the user, is cylindrical and in the shape of an aviation control stick. Additionally, Totsuka does not teach or suggest a four or five way thumb switch. The Examiner cites reference numbers 12 and 14 as thumb switches. However, neither of these switches are thumb switches as disclosed in the Applicant's invention. A thumb switch (see FIG. 2, reference

no. 24 of the Applicant's application) is located near on top of the control stick and may move in either four or five ways from a center position. Totsuka is merely commonly found control switches used in TV remote controls. Therefore, the withdrawal of the rejection and the allowance of claims 3-6, 11-12 and 16-17 is respectfully requested.

In paragraph 13 the Examiner rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over Samulewicz in view of U.S. Patent No. 6,549,143 to O'Donnell et al. (O'Donnell). The Examiner stated that Samulewicz does not disclose a plurality of DVD control switches. However, the Examiner stated that O'Donnell teaches a remote controller for controlling both a television and DVD in a single control unit.

In response, the Applicant has amended independent claim 18 to better differentiate Applicant's invention from Samulewicz. As discussed above, Samulewicz does not teach or suggest an aviation control stick style controller. In addition, Samulewicz requires the user to remove the hand from the elongated main body and push the buttons located on the top of the remote control. Therefore, the withdrawal of the rejection and the allowance of claim 18 is respectfully requested.

In paragraph 14 the Examiner rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Samulewicz in view of O'Donnell and further in view of Totsuka. In response, the Applicant has amended independent claim 18 to better differentiate Applicant's invention from Samulewicz. As discussed above, Samulewicz does not teach or suggest an aviation control stick style controller. In addition, Samulewicz requires the user to remove the hand from the elongated main body and push the buttons located on the top of the remote control. Claim 20 depends from amended independent claim 18 and recite additional limitations in combination with the novel elements of

claim 18. Therefore, the withdrawal of the rejection and the allowance of claim 20 is respectfully requested.

In paragraph 15, the Examiner rejected claims 1 and 2 as being anticipated by U.S. Patent No. 6,483,440 to Welch (Welch). The Examiner stated that Welch teaches an ergonomic remote control device for the remote control of a television set which includes a housing substantially in the shape of a control stick and fixed to a base, and having a plurality of control switches and an infrared transmitting light diode housed in said control stick for transmitting television viewing control signs and an electrical circuit contained within the housing capable of encoding signs.

In response, the Applicant has amended independent claim 1 to better differentiate Applicant's invention from Welch. Welch discloses a remote control having a elongated main body with a flat control panel on top of the end of the main body. The remote control also has a place for holding a beverage container. On the other hand, the Applicant's invention is a cylindrical control stick in the shape of an aviation control stick. The Applicant's invention is shaped in such a manner that the control switches are placed on the control stick to allow the user to manipulate the control switches while simultaneously grasping the control stick in the palm of the user's hand. Welch does not allow the manipulation of the control switches while holding the control stick because the control switches disclosed in Welch are located on a top surface of the remote control panel. The Applicant's invention emulates an aviation control stick which allows the grasping of the control stick and the simultaneous manipulation of the control switches. Welch does not disclose such a device nor does Welch provide a motivation to allow manipulation of the control switches while grasping the elongated section of the device.

The cited references do not disclose a control stick in the shape of an aviation stick. Three patent references, U.S. Patent No. 4811921 to Whitaker et al. (Whitaker), U.S. Patent No. 4717098 to Walker et al. (Walker), and U.S. Patent No. 5,769,363 to Griswold et al. (Griswold), clearly show that aviation control sticks do not include planar surface on top of the cylindrical portion of the stick. An aviation control stick provides manipulation by one hand of the control stick while simultaneously grasping the stick. No control switches are placed on the top of the stick nor is a flat surface located on top of the control stick. The pilot does not use his other hand because switches are also located on the opposite hand which holds the throttle. During combat maneuvering, the pilot cannot take his hands off of the throttle to manipulate the control of the control stick. This same aviation control stick design is utilized in providing a remote control for a television. As can be seen by Whitaker, Walker and Griswold, an aviation stick is significantly different than the remote controls disclosed in the cited references.

Claim 2 depends from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 1 and 2 is respectfully requested.

In paragraph 16, the Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Welch. The Examiner stated that Welch does not disclose a power supply source but that it is matter of obvious design choice. In response, the Applicant has amended independent claim 1 to better differentiate Applicant's invention from Welch. As discussed above, Welch discloses a remote control having a elongated main body with a flat control panel on top of the end of the main body. The remote control also has a place for holding a beverage container. On the other hand, the

Applicant's invention is a cylindrical control stick in the shape of an aviation control stick. The Applicant's invention is shaped in such a manner that the control switches are placed on the control stick to allow the user to manipulate the control switches while simultaneously grasping the control stick in the palm of the user's hand. Welch does not allow the manipulation of the control switches while holding the control stick because the control switches disclosed in Welch are located on a top surface of the remote control panel. The Applicant's invention emulates an aviation control stick which allows the grasping of the control stick and the simultaneous manipulation of the control switches. Welch does not disclose such a device nor does Welch provide a motivation to allow manipulation of the control switches while grasping the elongated section of the device.

Claim 9 depends from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claim 9 is respectfully requested.

In paragraph 17, the Examiner rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Welch in view of O'Donnell. The Examiner stated that O'Donnell teaches a remote controller having both a television and VCR control in one unit. However, the Examiner stated that it would have been obvious to include the control of a television and VCR in the system of Welch.

In response, the Applicant has amended independent claims 13 to better differentiate Applicant's invention from Welch and O'Donnell. As discussed above, Welch merely discloses a elongated main body with a flat remote control located on top of the main body. Welch does not disclose a cylindrical control stick shaped as an aviation control stick. In addition, Welch does not



position the switches in such a manner to allow the switches to be manipulated by the hand while the hand simultaneously grasps the control stick. Therefore, the withdrawal of the rejection and the allowance of claim 13 is respectfully requested.

In paragraph 18, the Examiner rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over Welch in view of O'Donnell. The Examiner stated that O'Donnell teaches a remote controller having both a television and VCR control in one unit. However, the Examiner stated that it would have been obvious to include the control of a television and VCR in the system of Welch.

In response, the Applicant has amended independent claims 18 to better differentiate Applicant's invention from Welch and O'Donnell. As discussed above, Welch merely discloses a elongated main body with a flat remote control located on top of the main body. Welch does not disclose a cylindrical control stick shaped as an aviation control stick. In addition, Welch does not position the switches in such a manner to allow the switches to be manipulated by the hand while the hand simultaneously grasps the control stick. Therefore, the withdrawal of the rejection and the allowance of claim 18 is respectfully requested.

In paragraph 19, the Examiner objected to claims 15 and 19 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. In light of the present amendments to independent claims 13 and 18 and the arguments stated above, the withdrawal of the objection and the allowance of claims 15 and 19 is respectfully requested.

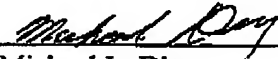
AUG 24 2006

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DOCKET NO. 5078-0001

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-20.

Respectfully submitted,

  
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